

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. D'Amato

Serial No. 09/545,139

Filed: April 7, 2000

For: Methods and Compositions For The
Inhibition Of Angiogenesis With EM-138

Art Unit: 1614

Examiner: Goldberg, J.

**PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. §1.313(c)(2) FOR CONSIDERATION OF A REQUEST FOR
CONTINUED EXAMINATION IN COMPLIANCE WITH 37 C.F.R. §1.114**Assistant Commissioner for Patents
Washington, D.C. 20231

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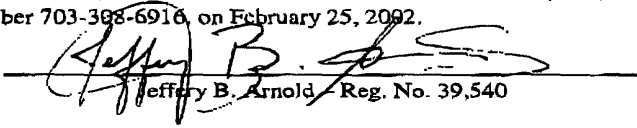
Sir:

PETITIONS OFFICE

The applicant hereby petitions the Office under 37 C.F.R. §1.313(c)(2) to withdraw the above-identified application from issue to permit consideration of a Request for Continued Examination in compliance with 37 C.F.R. § 1.114 for the purpose of consideration of newly identified references. The application is scheduled to issue March 12, 2002. A copy of the concurrently filed Request For Continued Examination is filed herewith. The U.S. Patent and Trademark Office is hereby authorized to deduct the fee for the Petition in the amount of \$130.00 as set forth in 37 C.F.R. § 1.17(h) as well as any additional fees that may be required under 37 C.F.R. § 1.16, or credit any overpayment, to Account No. 11-0855.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent by facsimile transmission to the Assistant Commissioner for Patents, to facsimile number 703-388-6916, on February 25, 2002.


Jeffrey B. Arnold Reg. No. 39,540

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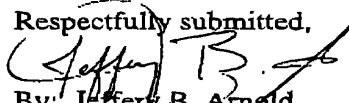
Petition for Withdrawal 37 C.F.R. 1.313(c)(2)
U.S. Application Serial No. 09/545,139
2 of 2

The reason for the present Petition is the need for the Examiner's consideration of newly identified references that the Applicant has submitted herewith in a Supplemental Information Disclosure Statement.

A Request for Continued Examination, the requisite fee set forth in 37 C.F.R. § 1.17(e), and a submission including the Supplemental Information Disclosure Statement pursuant to 37 C.F.R. § 1.97 and 1.98 is filed concurrently with this petition.

In view of the foregoing, the Applicant requests that this Petition be granted, and that the references and applications be considered by the Examiner in the Continued Examination of this application. If the Petition is granted, a call to the undersigned attorney is respectfully requested.

Respectfully submitted,

By:  Jeffrey B. Arnold
Reg. No. 39,540

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Attorney Docket No. 05213-0650 (43170-219681)



Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

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direct dial 404 745 2461
direct fax 404 541 3113
JArnold@KilpatrickStockton.com

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Assistant Commissioner For Patents Attn: Examiner J. Goldberg, Art Unit 1614	703-308-6916	U.S. Patent and Trademark Office Box Patent Application Washington, DC 20231

Jeffery B. Arnold

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COMMENTS**IMPORTANT**

Re: Patent Application Serial No. 09/545,139 entitled,
Methods and Compositions For The Inhibition of Angiogenesis With EM-138

Per the attached Petition To Withdraw Application From Issue For Consideration of a Request For Continued Examination in Compliance With 37 CFR 1.114 (2 pgs.), Request For Continued Examination (RCE) (1 pg.), Information Disclosure Statement (3 pgs.), List of Cited Art References, PTO/SB/08A (2 pgs.), and art references (2 ca.).

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